

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIC M. MISKOVITCH,	)	
	)	
Plaintiff,	)	Civil No. 06-1410
	)	
v.	)	Judge Donetta W. Ambrose
	)	
LT. HOSTOFFER, et al.,	)	
	)	
Defendants	)	

**ORDER**

The above captioned case was received on October 20, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (doc. no. 225), filed on May 19, 2010, recommended that Plaintiff's Motion for Summary Judgment (doc. no. 121) and Cross Motion for Summary Judgment (doc. no. 169) be denied and that the Motion for Summary Judgment (doc. no. 152) and Cross Motion for Summary Judgment (doc. no. 223) filed by Defendants Rustin, Leon, Donis, Reese, Worrall, Mazzocca, and the Allegheny County Jail be granted. Plaintiff filed Objections to the Report and Recommendation on June 7, 2010 (doc. no. 235). The objections do not undermine the recommendation of the Magistrate Judge. After a *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

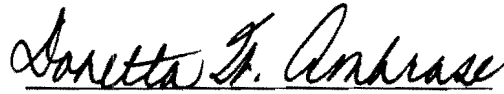
AND NOW, this <sup>10<sup>th</sup></sup> ~~9<sup>th</sup>~~ day of June, 2010;

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Summary Judgment (doc. no. 121) and Cross Motion for Summary Judgment (doc. no. 169) are **DENIED**.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (doc. no. 152) and Cross Motion for Summary Judgment (doc. no. 223) filed by Defendants Rustin, Leon, Donis, Reese, Worrall, Mazzocca, and the Allegheny County Jail are **GRANTED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 225) of Magistrate Judge Lenihan, dated May 19, 2010, is adopted as the Opinion of the court.

By the Court:

A handwritten signature in cursive script, reading "Donetta W. Ambrose".

Donetta W. Ambrose  
United States District Judge

cc: Eric M. Miskovitch  
DA 5989  
SCI Graterford  
Post Office Box 244  
Graterford, PA 19426-0244